

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 11-214—sHB 6591

Judiciary Committee

Human Services Committee

**AN ACT CONCERNING MINOR AND TECHNICAL CHANGES TO THE
CHILD SUPPORT STATUTES**

SUMMARY: The law requires parents to support their children. Wage withholding orders, authorizing employers to deduct established child support obligations from paychecks, are the most common way of pursuing support for parties separated or divorced or who never married the child's other parent.

The act:

1. recognizes the validity of support orders issued by another state's administrative agency of competent jurisdiction, conforming law to practice;
2. increases the methods for enforcing interstate child support obligations by extending interstate rules and procedures to enforcement actions involving wage withholding to rules that already apply under some provisions of the Uniform Interstate Family Support Act (UIFSA);
3. requires court rules governing family support magistrates (FSM) to include procedures for interstate wage withholding;
4. directs the attorney general to provide legal resources to litigate out-of-state wage withholding matters, conforming law to practice;
5. authorizes the Judicial Branch's Support Enforcement Services Division (SES) to supervise child and spousal support collections, including wage withholding orders, in interstate cases;
6. authorizes SES to initiate interstate wage withholding administratively rather than by court order;
7. authorizes alternative methods of serving legal process to initiate wage withholding when standard methods fail;
8. specifies that, in cases involving out-of-state obligors and in-state registered wage withholding orders, the state must notify obligors that confirmation of the order by a Connecticut tribunal authorizes withholding and precludes any further contest;
9. allows FSMs to modify wage withholding orders unless doing so would violate UIFSA (for example, under that act, FSMs cannot modify a support order issued by another state when doing so conflicts with the law of that state);
10. excepts interstate wage withholding orders from those that a FSM must review for reasonableness;
11. requires motions to modify Medicaid repayment obligations to be filed with the FSM Division of the Superior Court;
12. in most cases, replaces statutory references to "TANF" cases with

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references to “Temporary Family Assistance (TFA), Medicaid and foster care,” which updates the name of the state’s cash assistance program and expands the types of assistance covered by the act;

13. adds TFA and Medicaid to foster care in the definition of IV-D cases (the federal-state child support enforcement program);
14. requires the Department of Social Services (DSS) Bureau of Child Support Enforcement to give TFA, Medicaid, and foster care cases the same services for obtaining and enforcing child support orders as those it gives to families that have never been enrolled in these assistance programs;
15. exempts Medicaid, TFA, and foster care recipients from child support enforcement fees and charges;
16. entitles foster care assistance recipients to continue receiving child support enforcement services without reapplying or paying a fee when their assistance ends;
17. requires parents to cooperate with the commissioner of the Department of Children and Families (DCF) in pursuing foster care maintenance payments;
18. retroactive to October 1, 2008, limits the amount DCF can recover for foster care assistance to the total amount the department paid out;
19. permits DSS to file its annual child support enforcement program assessment report electronically; and
20. makes several changes affecting the Commission for Child Support Guidelines and Child Support and Arrearage Guidelines.

It also makes minor and conforming changes and corrects several statutory references.

EFFECTIVE DATE: October 1, 2011

COMMISSION FOR CHILD SUPPORT GUIDELINES

The act makes several unrelated changes to statutes governing the Commission for Child Support Guidelines, which periodically reviews and updates the Child Support Guidelines that are then submitted to the Regulation Review Committee for approval. It allows the Connecticut Bar Association, rather than the governor, to designate its own representative to the commission, and the governor to appoint a legal services member.

It requires the DSS commissioner to convene the commission to review and update the guideline criteria whenever required (this is statutorily required every four years); the act specifies that the commission’s actions are valid as long as nine of the 11 commission positions are filled.

The act directs the commission to base the guidelines on the incomes of both parents when calculating current support, health care coverage, child care contributions, and arrearage payment amounts. This “income shares” model has been adopted by regulation in the existing guidelines.

Finally, the act provides that the guidelines, when adopted in regulation, must be considered in all child support determinations, including calculations of current support, health care, and child care amounts. The law requires that the guidelines be considered when setting past-due support and arrearage amounts.

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21. OLR Tracking: SP:JR:PF:ts